

CENTRAL FAX CENTER

JUN 29 2004

FROM
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In re PATENT APPLICATION of

Inventor(s) PURSELL et al.Appln. No. 09/895,876series code | serial no.Filed: July 2, 2001Group Art. Unit: 1616Examiner: S. Clardy

Allowed _____

Confirmation No. 5376TITLE: CONTROLLED RELEASE AGRICULTURAL
PRODUCTS AND PROCESSES FOR MAKING SAMEDate June 29, 2004

:

Atty. Dkt. No. 46104Name or type of signed paper being transmitted:
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Pursell et al.

Serial No. 09/895,876

Filed: July 2, 2001

For: CONTROLLED RELEASE AGRICULTURAL PRODUCTS AND
PROCESSES FOR MAKING SAME

Attorney Docket No. 46104

Confirmation No. 5376

Group Art Unit: 1616

Examiner: Clardy, S.

TRANSMITTAL OF RESPONSE

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Commissioner for Patents
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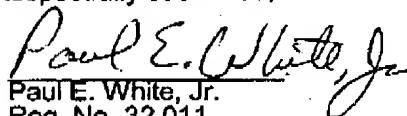
Sir:

Transmitted herewith is an Response in the above-captioned application. The fee has been calculated as shown below. Please charge the fee to **Deposit Account No. 50-0687 under Attorney Docket No. 46104**

CLAIMS AS AMENDED						
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Claims Remaining After Amendment		Highest Number Previously Paid For	Extra Claims	Rate	Fee
Total Claims	185	-	200		18.00	0
(Small Entity)					(9.00)	
Independent claims	12	-	12		86.00	0
(Small Entity)					(42.00)	
Multiple Dependent	0	-	0	0	290.00	0
(Small Entity)					(145.00)	
Extension of Time	One Month		Two Months	Three Months		
Fee	\$110		\$420	\$950		0
Terminal Disclaimer					110.00	\$110.00
Total						\$110.00

The above fees are believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0687 under the above Attorney Docket Number for which purpose this paper is submitted in duplicate. **CUSTOMER NO. 20736**

Respectfully submitted,


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Reg. No. 32,011
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Fax No. 202-887-0336Date: June 29, 2004Manelli Denison & Selter, PLLC
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Pursell et al.
Serial No. 09/895,876
Filed: July 2, 2001

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For: CONTROLLED RELEASE AGRICULTURAL PRODUCTS AND
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TRANSMITTAL OF RESPONSE

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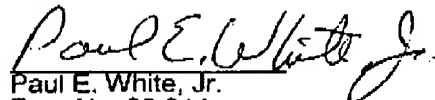
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	Claims Remaining After Amendment		Highest Number Previously Paid For	Extra Claims	Rate	Fee
Total Claims	185	-	200		18.00	0
(Small Entity)					(9.00)	
Independent claims	12	-	12		86.00	0
(Small Entity)					(42.00)	
Multiple Dependent	0	-	0	0	290.00	0
(Small Entity)					(145.00)	
Extension of Time	One Month		Two Months	Three Months		
Fee	\$110		\$420	\$950		0
Terminal Disclaimer					110.00	\$110.00
Total						\$110.00

The above fees are believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0687 under the above Attorney Docket Number for which purpose this paper is submitted in duplicate. **CUSTOMER NO. 20736**

Respectfully submitted,



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In re Patent Application of
PURSELL, et al.

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Confirmation No. 5376
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Appln. No.: 09/895,876

Group/Art Unit: 1616

Filed: July 2, 2001

Examiner: Clardy, S.

Title: CONTROLLED RELEASE AGRICULTURAL PRODUCTS AND
PROCESSES FOR MAKING SAME

* * * * *

June 29, 2004

RESPONSE TO OFFICE ACTIONCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated May 12, 2004, reconsideration and allowance of the present application are respectfully requested.

Claims 15-50, 52-59, 61-169 and 171-202 are pending in this application.

The applicants' undersigned patent counsel wishes to express his appreciation to Examiner Clardy for the courtesy extended to both himself and inventor, Mr. Ray Shirley, during the interview of June 16, 2004. During the interview, the provisional, obviousness-type double patenting rejection of claims 15-50, 52-59, 61-98, 123-169, 171-184, 201 and 202 was discussed. The rejection of all claims under 35 USC 103(a) over Pierce, Burkett and Huber et al. was discussed, as was the rejection of claims 99-122 and 185-200 under 35 USC 103(a) in view of Huber et al. It is sincerely believed that the interview materially advanced prosecution of this application. The present

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arguments of patentability and attached documentary evidence of patentability are believed to be commensurate with the discussions during the interview.

In response to the provisional, obviousness-type double patenting rejection of claims 15-50, 52-59, 61-98, 123-169, 171-184, 201 and 202, in view of copending Application No. 10/460,650, the applicants attach hereto a Terminal Disclaimer, signed by the attorney of record. Both the present application and Application No. 10/460,650 are commonly owned, as evidenced by the assignment of the present application, recorded on January 22, 2002 at Reel/Frame 012507/0324 and the assignment of the '650 application, recorded on October 7, 2003 at Reel/Frame 014582/0148. Withdrawal of this double patenting rejection is accordingly requested.

The applicants respectfully traverse the rejection of claims 15-50, 52-59, 61-169 and 171-202 under 35 USC 103(a) in view of Pierce, Burkett and Huber et al. The cited references do not make the presently claimed invention to be obvious.

Pierce discloses materials (and methods for making same), for assisting plant growth including agriculturally active materials suspended in a holding material, which is coated onto and impregnated into the microscopically irregular and porous surfaces of expanded perlite particles, whereby the active and holding materials are retained on the perlite particles, enabling controlled release of the active materials to the soil at a controlled rate (see column 1, lines 9-22 of reference).

Pierce's product is individual coated perlite particles that may be compressed into pellets and tablets. Such particles may be very small to adhere to plants upon which they are dusted (see column 11, lines 9-10) and slightly larger for other applications (see column 11, lines 11-17). The product being individual coated perlite

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particles is further supported by Pierce's description of the manufacturing process, which shows that larger particles are deposited in storage chambers as disclosed at column 13, line 44 to column 14, line 9 and disclosed at column 16, lines 17-35. As taught at column 16, lines 34 -39, during production of larger coated particles, fine coated particles are conveyed by hot air to a cyclone so that the fines may be dropped into a device for compressing the coated fine particles into tablets or pellets. By a separate process wherein there is no coating step, the inert, uncoated perlite particles may be mixed with holding material and active material and this mixture is formed by compression into tablets or pellets (see column 16, lines 49-54).

In contrast to the product of Pierce, the product of the presently claimed invention is a controlled release agricultural absorbent based product that in almost all embodiments, includes particles of an absorbent material containing capillaries/voids, which is impregnated with an agriculturally beneficial material (i.e., fertilizers, insecticides, herbicides and/or fungicides) alone or mixed with an interspatial blocker material, with the particles of absorbent material being agglomerated into granules.

Significantly, the presently claimed product is not individual particles, but is an agglomeration of individual particles of impregnated absorbent, into granules. As disclosed in the present application, "...each granule is made up of a multiplicity of perlite particles..." (see page 26, lines 14-15 (and other disclosures in present specification)). Thus, the product is granules of agglomerated individual impregnated particles. Excess agriculturally beneficial material with or without interspatial blocker material on the outside of the particles helps the individual impregnated particles to adhere into granules.

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The use of granules of agglomerated impregnated particles, rather than individual particles provides important benefits to the controlled release properties of the presently claimed invention. This is because once applied to the soil, or plant, etc., the granule must first be weakened by water, e.g. soil moisture, rain etc., before gradually falling apart and releasing individual impregnated particles of absorbent. Once more of the individual impregnated particles are exposed to water, then the agriculturally beneficial material within the particles may slowly (or in a controlled fashion) leach out to impart its benefit (see for example, page 26, lines 17-24).

The use of agglomerated granules in the presently claimed invention is an important feature that stands in sharp contrast to the compressed tablets and pellets of Pierce. Maintaining the intactness of the capillaries/voids in the absorbent, recited in the presently claimed invention, is important to prevent premature release of the beneficial material from the absorbent. To prevent rupture of the absorbent capillaries and voids of the absorbent, the absorbent particles are agglomerated, without compression, into granules. Unlike compression, agglomeration entails a built up of the absorbed particles by spraying the particles against one another, so that they cling together and build up to form a granule. Please see the attached definition of "agglomeration" from the McGraw-Hill Dictionary of Scientific and Technical Terms which states an "agglomeration" to be "[an] indiscriminately formed cluster of particles."

In contrast, "tablets" and "pellets" are formed by compression of particles. In particular, the particles of Pierce (either the normally coated particles (column 16, lines 37-39) or uncoated particles (column 16, lines 50-52) are compressed into tablets or pellets. Please see the attached definition of "pellet" from Hawley's Condensed

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Chemical Dictionary which states that a "pellet" is a small unit of a light, bulky material compressed into any of several shapes and sizes, produced by a pellet mill wherein compression forces the material through holes in a die and the extruded segment is sheared off by knives. Please see the attached definition of "tableting" from the McGraw-Hill Dictionary of Scientific and Technical Terms, which states that tablets are made by compaction (i.e. compression) using a punch-and-die procedure. The compression employed by Pierce in producing compressed pellets and tablets would crush the absorbent of the presently claimed invention resulting in inferior slow release properties. The agglomeration product of the presently claimed invention does not employ compression but rather results in an uncompressed and thus uncrushed cluster of absorbent particles.

Accordingly, the submitted documentary evidence shows that the pellets and tablets of Pierce do not anticipate or suggest the granules of agglomerated, impregnated absorbent particles of the presently claimed invention.

The teachings of Burkett do not remedy the deficiencies of Pierce.

Burkett discloses the use of expanded perlite particles as a vehicle or carrier for fertilizers wherein the pores of the perlite particles absorb and retain fertilizer chemicals, so that upon application to the soil, the chemicals will slowly and continuously dissolve from the particles into the soil (see column 2, lines 18-34). The production of expanded perlite particles is described at column 2, lines 58-71. The expanded perlite absorbs a solution of fertilizer chemicals and the perlite is dried to leave the chemical salts within the cells of the perlite (see column 3, lines 2-18) and thus yield dried, active perlite particles as a product.

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In another embodiment, the "fine fraction" of the dried perlite particles is "fed to a composting vat" wherein compost of organic material is added, mixed and this mixture is sent to a pelletizer or granulating machine (see column 3, lines 55-63 and lines 18-22). The pelletized (see claim 2) compost product of Burkett does not relate to, nor is in any way contemplated by the presently claimed invention.

As discussed above with respect to Pierce, the presently claimed product is not individual particles, but is an agglomeration of individual particles of impregnated absorbent, into granules. Burkett teaches a product of individual particles of absorbed perlite and not an agglomeration of individual particles into granules. Burkett further teaches a pelletized compost product which, as discussed above, is a compressed product wholly unlike the presently claimed agglomerated product. The compression employed by Burkett in producing compressed pellets would crush the absorbent of the presently claimed invention resulting in inferior slow release properties. The agglomeration product of the presently claimed invention does not employ compression but rather results in an uncompressed and thus uncrushed cluster of absorbent particles.

The teachings of Huber et al. do not remedy the deficiencies of Pierce and Burkett.

Huber discloses slow release matrices that carry biologically active agents which may be used for agriculture. A starting material of polyhydroxy polymer such as starch, is mixed with an inorganic salt to form a coagulated matrix composition which holds water soluble biologically active materials (see column 1, lines 10-13, 37-47 and 52-60; and column 2, lines 22-42). The polyhydroxy polymer includes starches, such as corn

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starch, potato starch, gum arabic and methyl cellulose. A filler may optionally be added to the starting polyhydroxy polymer emulsion/dispersion. The active agent, e.g., pesticide, is on the filler or salt (see column 1, line 55 of reference) or dispersed in the precursor polyhydroxy polymer. The filler is blended into the initial emulsion/dispersion. The filler, including talcs, vermiculites, perlites, corn cob grits, etc. is a material added to increase bulk.

Unlike Huber, the presently claimed composition does not employ an inorganic salt to make Huber's matrix which solidifies and holds the active agent. In Huber, the active agent is mixed into a thick paste and the matrix is precipitated out upon addition of the salt (see column 2, lines 32-42). The addition of a filler is incidental to the slow release matrix.

The resulting precipitate is dried, usually ground, and classified into the desired particle size. Huber does not teach pelleting or tableting the particles and thus adds nothing to the teachings of Pierce and Burkett in this regard. Like Pierce and Burkett, Huber does not teach or in anyway suggest the agglomeration of absorbent particles into granules as in the presently claimed invention.

The combined teachings of Pierce, Burkett and Huber do not disclose or suggest the granules of agglomerated, impregnated absorbent particles of the presently claimed invention, as for example recited in presently considered independent claims 15, 35, 50, 59 and 69.

Another claimed embodiment of the present invention is similar to the above discussed controlled release agricultural absorbent based product, however, the absorbent material is exfoliated particles of perlite. Exfoliated perlite particles are

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expanded perlite particles which have undergone additional conditioning pursuant to a new and unobvious process of the presently claimed invention. In this process, particles of expanded perlite are heated with water to transform the water within the particles of expanded perlite to steam sufficient to rupture the outer surface of the particles of expanded perlite (see page 23, line 19 to page 24, line 8 of present specification). The result provides increased rupture and exfoliation of the outer shell of the expanded perlite particles as the absorbed water expands into steam at atmospheric pressure (see page 24, lines 8-11 of specification). The exfoliated particles of perlite are more open and have greater capillary/void volume than normal expanded perlite, enabling much greater impregnation of an agriculturally beneficial material and interspatial blocker (see page 25, lines 5-16 of specification).

The significant differences between normal expanded perlite particles and the present exfoliated perlite particles is visually clear by comparing Figure 3 (exfoliated perlite) with Figure 2 (normal expanded perlite) and Figure 4 (exfoliated perlite) with Figure 5 (normal expanded perlite), as discussed in the present specification at page 37, line 21 to page 38, line 14.

In contrast to the presently claimed invention, neither Pierce, Burkett nor Huber disclose or suggest a controlled release agricultural absorbent based product employing exfoliated perlite particles.

The presently claimed product, as set forth for example in independent claims 35, 59, 63, 69 and 202, recites a controlled release agricultural absorbent based product that includes particles of an absorbent material containing capillaries/voids,

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which is impregnated with an agriculturally beneficial material (i.e., fertilizers, insecticides, herbicides and/or fungicides) mixed with an interspatial blocker material.

As mentioned above, Pierce teaches agriculturally active materials suspended in a holding material, which is coated onto and impregnated into the microscopically irregular and porous surfaces of expanded perlite particles, whereby the active and holding materials are retained on the perlite particles. Pierce is concerned with a coating that is tightly held to the surface of the particles. Accordingly, Pierce teaches a coating which impregnates the pores at the surface of the expanded perlite particles and which fills the pores of the particles that communicate with the surface of the particles, thus resulting in particles that tightly retain a large quantity of active material on the particles' surface (see column 2, lines 57-59; further see column 2, lines 3-11 and column 2, lines 33-34). Pierce's "holding material" accordingly serves to hold the active material at or near the surface of the particles. The small amount of surface impregnation is clearly evident in Pierce's Figures 3 and 4 (please note that only the left-downward crosshatching shows embedded holding material). Pierce points out, "However, the general manner in which the coating permeates the surface-exposed pores, but is excluded from the sealed internal bubble cells is shown in Figure 3." (see column 17, lines 2-5)

Accordingly, Pierce's "holding material" serves to hold the active material at or near the surface of the particles.

In contrast, the interspatial blocking material that is mixed with the agriculturally beneficial material of the presently claimed invention limits access of moisture to the

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beneficial material by blocking the pores/voids of the deeply impregnated absorbent material.

The cited reference of Burkett only teaches the impregnation of soluble, fertilizer, chemical compounds and does not disclose or suggest any type of interspatial blocker.

Additionally, please note that Pierce's holding materials are (1) an inert soluble cellulose such as methyl cellulose, (2) finely ground lignite, (3) dehydrated, ground and steamed sea kelp, (4) activated sewage sludge and (5) sulfide paper pulp liquor, as disclosed at column 6, line 20 to column 7, line 21. In contrast, the specific interspatial blocker materials employed in the presently claimed invention do not include nor are suggested by the holding materials of Pierce.

Huber entraps the active agent in a precipitate matrix by requiring the addition of a salt to the polyhydroxy polymer blended with the active agent. The resulting precipitate is dried and usually ground and classified to a desired size. The addition of salt to all the disclosed polyhydroxy polymers, including starch and methyl cellulose, is required in order to make a functional matrix. This is not required by Pierce to make a holding material nor in the present invention to be employed as an interspatial blocker. The interspatial blocker of the present composition is a liquid that penetrates the small pores and voids of the absorbent and is not precipitated solids. A person of ordinary skill would not find the precursor polyhydroxy polymer of Huber to be functionally comparable to the employed holding material of Pierce.

Thus, the applicants submit that the interspatial blocker of the presently claimed invention is no where disclosed, suggested or made obvious by the combined teachings of Pierce, Burkett and Huber.

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Accordingly, the applicants assert that the presently claimed invention is fully allowable under 35 USC 103(a) in view of the combined teachings of Pierce, Burkett and Huber.

The presently claimed product, as set forth for example in independent claim 99, recites a controlled release agricultural product that includes a mixture of an agriculturally beneficial material (fertilizers, insecticides, herbicides and fungicides) and a control release holding substance selected from the group consisting of plant starches, protein gels, glues, gumming compositions, crystallizing compounds, gelling clays and synthetic gel forming compounds, wherein the product is in a particulate form.

This claimed product does not include any type of absorbent particles. This product provides for a faster release of the beneficial material than the other embodiments of the present invention (see Examples 12, 13, 20 and 21 of the present specification).

Both Pierce and Burkett disclose products that are fundamentally and inseparably based upon the required particles of perlite. The product of the present invention as recited for example in claim 99 does not include such any such component and is fundamentally different from the Pierce and Burkett products.

While Huber has been cited in the Office Action as teaching carrier materials that may be used for the carrier or "holding" materials of Pierce. However, the materials of Huber and Pierce are significantly different. Huber only teaches polyhydroxy polymers, including methyl cellulose, as starting materials to which it is required that a salt be added in order to produce the precipitated matrix of Huber that carries an active agent.

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As noted above, Huber entraps the active agent in a precipitate matrix by requiring the addition of a salt to the polyhydroxy polymer blended with the active agent. The resulting precipitate is dried and usually ground. The addition of salt to all the disclosed polyhydroxy polymers, including starch and methyl cellulose, is required in order to make a functional matrix. This is not required by Pierce to make a holding material nor in the presently claimed invention. A person of ordinary skill would not find the precursor polyhydroxy polymer of Huber to be functionally comparable to the employed holding material of Pierce.

Accordingly, the applicants submit that the presently claimed invention as recited for example in claim 99, is no where disclosed, suggested or made obvious by the teachings of Pierce, Burkett and Huber.

Embodiments of the process of the presently claimed invention, as recited for example in claims 123 and 148, include steps of agglomerating absorbent particles into granules. As thoroughly discussed above, the processes of both Pierce and Burkett result in individual active perlite particles that may be compressed and in no manner contemplate steps of agglomerating absorbent particles into granules. Huber's precipitation process adds nothing further to the processes of Pierce and Burkett.

Pierce's manufacturing process shows that larger and fine particles are deposited in storage chambers as disclosed at column 13, line 44 to column 14, line 9 and disclosed at column 16, lines 17-35. As taught at column 16, lines 34 -39, during production of larger coated particles, fine coated particles are conveyed by hot air to a cyclone so that the fines may be dropped into device for compressing the coated fine particles into tablets or pellets. Inert, uncoated perlite particles may be mixed with

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holding material and active material and this mixture is compressed into tablets or pellets (see column 16, lines 59-54).

In contrast to the process of Pierce, the process of the presently claimed invention includes the step of agglomerating individual impregnated absorbent particles into granules. Excess agriculturally beneficial material with or without interspatial blocker material on the outside of the particles helps the individual impregnated particles to adhere into granules. When there is no interspatial blocker material in the desired product, the manufacturing process (e.g. claim 123) includes the step of granulating the combination of agriculturally beneficial material and absorbed particles to solidify and harden the mixture within the absorbent particles and outside the particles, resulting in the agglomeration of absorbent particles into granules. When there is an interspatial blocker material in the desired product, the manufacturing process (e.g. claim 148) includes the step of granulating the combination of agriculturally beneficial material, interspatial blocker and absorbed particles to solidify and harden the mixture within the absorbent particles and outside the particles, resulting in the agglomeration of absorbent particles into granules (see for example, page 37, lines 17-22; page 40, lines 10-12; and page 16, line 20 to page 17, line 1).

Pierce does not disclose or suggest the step of agglomerating individual impregnated absorbent particles into granules.

The teachings of Burkett do not remedy the deficiencies of Pierce.

Burkett discloses a manufacturing process which includes the absorption by expanded perlite of a solution of fertilizer chemicals and then drying the perlite to leave

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the chemical salts within the cells of the perlite (see column 3, lines 2-18) and thus yield dried, active perlite particles as a product.

Huber discloses a manufacturing process wherein a starting material of polyhydroxy polymer such as starch, is mixed with an inorganic salt to form a coagulated matrix composition which holds water soluble biologically active materials (see column 1, lines 10-13, 37-47 and 52-60; and column 2, lines 22-42). A filler may optionally be added to the starting polyhydroxy polymer emulsion/dispersion. The pesticide is on the filler or salt (see column 1, line 55 of reference) or dispersed in the precursor polyhydroxy polymer. The filler is blended into the initial emulsion/dispersion. The active agent of Huber is mixed into a thick paste and the matrix is precipitated out upon addition of the salt (see column 2, lines 32-42). The addition of a filler is incidental to the slow release matrix. Thus, Huber entraps the active agent in a precipitate matrix by requiring the addition of a salt to the polyhydroxy polymer blended with the active agent.

The resulting precipitate is dried, usually ground, and classified into the desired particle size. Huber does not teach pelleting or tableting the particles and thus adds nothing to the teachings of Pierce and Burkett in this regard. Like Pierce and Burkett, Huber does not teach or in anyway suggest the agglomeration of absorbent particles into granules as in the presently claimed invention.

The combined teachings of Pierce, Burkett and Huber do not disclose or suggest the step of agglomerating impregnated absorbent particles into granules.

Thus, the applicants submit that the presently claimed process is fully allowable under Section 103(a) in view of the cited references.

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An embodiment of the process of the presently claimed invention, as recited for example in claim 185, recites steps for preparing a controlled release agricultural product that does not include any type of absorbent particles. The process includes steps of mixing a control release holding substance with an agriculturally beneficial material, granulating the combination of agriculturally beneficial material and holding substance to solidify and harden the mixture, resulting in granules, and drying the granules (see Examples 12, 13, 20 and 21 of the present specification).

Both Pierce and Burkett disclose process steps that are fundamentally and inseparably based upon the production of individual particles of active perlite. The Huber process mandates the addition of a salt to polyhydroxy polymers to produce the required precipitate matrix. The process of the present invention as recited for example in claim 185, does not include any such perlite related process steps, nor step of adding salt to produce a precipitate matrix, and is thus fundamentally different from the processes of Pierce, Burkett and Huber.

The applicants respectfully submit that the presently claimed invention is fully allowable under 35 USC 103(a) in view of Pierce, Burkett and Huber.

The applicants respectfully traverse the rejection of claims 99-122 and 185-200 under 35 USC 102(a), (b), or (e), or, in the alternative, under 35 USC 103(a) over Huber. This reference does not anticipate the presently claimed invention or make it obvious.

The teachings of Huber have been discussed above and clearly distinguished from the presently claimed invention, as recited in claims 99-122 and 185-200.

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To reiterate, Huber discloses slow release matrices which carry biologically active agents which may be used for agriculture. A starting material of polyhydroxy polymer such as starch, is mixed with an inorganic salt to form a coagulated matrix composition which holds water soluble biologically active materials (see column 1, lines 10-13, 37-47 and 52-60; and column 2, lines 22-42). The polyhydroxy polymer includes starches, such as corn starch, potato starch, gum arabic and methyl cellulose. A filler may optionally be added to the starting polyhydroxy polymer emulsion/dispersion. The active agent, e.g., pesticide, is on the filler or salt (see column 1, line 55 of reference) or dispersed in the precursor polyhydroxy polymer.

Unlike Huber, the presently claimed composition does not employ an inorganic salt to make Huber's matrix which solidifies and holds the active agent. In Huber, the active agent is mixed into a thick paste and the matrix is precipitated out upon addition of the salt (see column 2, lines 32-42). The resulting precipitate is dried, usually ground, and classified into the desired particle size.

Huber only teaches polyhydroxy polymers, including methyl cellulose, as starting materials to which it is required that a salt be added in order to produce the holding matrix of Huber that carries an active agent. The addition of a salt to polyhydroxy polymers to make a holding matrix precipitate in no way discloses or suggests the granules of the presently claimed invention.

Accordingly, the presently claimed invention is nowhere disclosed, suggested or made obvious by the teachings of the cited references. The presently claimed invention is fully allowable under both Section 102 and Section 103 in view of Huber.

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In view of the above, it is believed that the present application is in condition for allowance and a Notice to that effect is respectfully requested.

If the Examiner has any comments, suggestions, or further objections, a telephone call at the below telephone number is invited to settle still outstanding matters.

Respectfully submitted,

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